

## REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1 and 3-18 are currently pending. Claims 2 and 19-24 are cancelled.

Claims 1, 2, 6, 7, 10 and 14 are objected to because of certain informalities. Applicants have amended claims 1, 6, 7, 10 and 14 in accordance with the helpful suggestions expressed in the Office Action. Applicants respectfully submit that the claims are in the proper format for allowance.

Claims 1-3, 7, 8, 13-14, 17 and 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,728,365 B1 to Li et al. Applicants have amended independent claims 1, 8 and 14 and cancelled claim 2 to clarify the claimed invention. In particular, Applicants have amended independent claims 1, 8 and 14 to indicate that the data burst message including the overture element is sent to establish the wireless connection between the source mobile unit and the destination mobile unit. Thus, the data burst message and overture element are sent before the wireless connection between the source and destination mobile unit is completed and as a part of establishing the connection. The destination mobile unit uses the overture element extracted from the data burst message to determine whether to establish the wireless connection.

Li is directed to a methods and systems for extending RSVP signaling to wireless networks. RSVP messages may be intercepted by an RSVP daemon, adjusted as necessary to accommodate the wireless network, and then forwarded on as RSVP messages either on a traffic channel or as a short data burst. Column 4, lines 25-30, which is cited in the Office Action as disclosing the overture element refer to a PATH message. The disclosed PATH message is sent after the wireless connection is established between the source mobile unit and the destination mobile unit. The claims, however, require that the overture element be sent with a data burst message that is sent to establish the wireless connection. In other words, the claimed data burst message and overture element are different messages than the disclosed PATH messages that are sent over the wireless network once the wireless connection is completed. In addition, the

disclosed PATH message, which ensures the elements disclosed by Li can support the requested Quality of Service requirements, does not initiate communication and is not the same as the claimed data burst message including the overture element where the overture element contains information from the sender at the source mobile unit that the sender desires to establish a wireless connection with the recipient at the destination mobile unit.

In view of the foregoing, Applicants respectfully submit that the claimed data burst message including an overture element where the overture element contains information from the sender at a source mobile unit indicating that the sender desires to establish a wireless connection with the recipient at a destination mobile unit where the data burst message is transmitted to establish a wireless connection between the source mobile unit and the destination mobile unit. Applicants therefore submit that Li does not anticipate amended independent claims 1, 8 and 14. As claims 3 and 7 depend on claim 1, claim 13 depends on claim 8 and claims 17 and 18 depend on claim 14, Applicants respectfully submit that these dependent claims are not anticipated by Li for the same reasons. Applicants request that this rejection under Section 102(e) be withdrawn.

Claims 4-6, 9, 10 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of United States Patent No. 6,088,589 to Valentine et al. Applicants have amended claims 1 and 8, upon which claims 4-6 and claims 9-10 depend upon as described above. Claims 19-24 have been cancelled without prejudice. As claims 4-6 and 9-10 depend upon claims 1 which is patentable over claims 1 and 8 as described above, Applicants respectfully submit that these dependent claims are patentable over the cited combination for the reasons given. Applicants therefore request that the rejection under Section 103(a) be withdrawn.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Valentine and further in view of United States Patent No. 6,018,668 to Schmidt. Claims 11 and 12 depend upon amended claim 8, which is patentable over Li as described. Applicants therefore respectfully submit that dependent claims 11 and 12 are patentable over the cited combination for the reasons given above with respect to the rejection for claim 8 being anticipated by Li. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Schmidt. Claim 16 depends upon amended claim 8, which is patentable over Li. Applicants therefore respectfully submit that dependent claim 16 is patentable over the cited combination for the reasons given above with respect to the rejection for claim 8 being anticipated by Li. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,  
Harris, John McFarland, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: **22917**

By: /Simon B. Anolick/  
Simon B. Anolick  
Attorney for Applicant  
Registration No.: 37,585  
Telephone: 847-576-4234  
Fax: 847-576-3750